IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1982 OF 2004

IN

APPEAL NO.434 OF 2004

AND

APPEAL NO.434 OF 2004

IN

WRIT PETITION NO.1213 OF 2004

...

Royal Western India Turf
Club Limited. ...Appellant

v/s.

Panther Race-Course Kamgar
Sanghatana & Another ...Respondents

...

Mr.J.P.Cama, Sr.Counsel with Mr.Niranjan Mogre i/b Haresh Mehta & Co. for the Appellant.

Mr.R.G.Bhat for the Respondents.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 23RD AUGUST, 2007

P.C.:

By consent of parties, the Appeal is disposed of in following terms:

(i) The order passed by the Industrial Court in complaint ULP No.956 of 2001 dated 2-4-2004 and the order made by the learned single Judge confirming that order dated 24-6-2004 passed in Writ Petition No.1213 of 2004 are set aside.

(ii) Complaint ULP No.956 of 2001 is remitted back to the Industrial court for denovo hearing and decision in accordance with law.

(iii) It is clarified that the Industrial Court shall consider all the contentions that may be raised by both sides, but the Industrial Court while deciding the complaint shall ignore the orders which are

challenged in this Appeal as also the order that, we have been informed, has been made by the Industrial Court on an application for rectification filed by the Respondent.

(iv) The Industrial Court shall decide the matter in accordance with law, as expeditiously as possible, in any case within a period of three months from the date on which the writ of this court is received by the Industrial Court.

(v) The learned Counsel appearing for the Respondents states that as a result of this order, Writ Petition No.1213 of 2004 also does not survive for consideration.

Statement is accepted.

(vi) We have been informed that pursuant to the interim order made by this court in this Appeal, amount has been deposited by the Appellant. The Appellant shall now be at liberty to withdraw the amount, because the Appellant through the learned Counsel has undertaken before us to redeposit the amount, if so directed either by the Industrial Court

or by this court.

(vii) It is clarified that the Industrial Court shall decide the Complaint on the basis of the material which is already on record. In case the parties apply for leading any additional evidence, the Industrial Court shall decide that application in accordance with law.

(viii) Motion & Appeal are disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)